

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re:  
Brian H. Douglas

**CONDITIONAL ORDER**  
**VACATING STAY**

Debtor.

Case No.: 14-11973-cgm  
(Chapter 13)

Nationstar Mortgage LLC, ("Secured Creditor") having moved this Court for an Order terminating the automatic stay as to Secured Creditor's interest in the premises commonly known as 1163 Fox Street, Bronx, NY 10459 ("Mortgaged Premises") of which Debtor is the record owner, and

The motion having come to be heard before this Court on the 13th day of July, 2017, and having heard Gross Polowy, LLC, attorneys for Secured Creditor, in support of this motion, and no opposition having been submitted by Jeffrey L. Sapir, Esq., the Chapter 13 Trustee, by the U.S. Trustee or by Stuart P. Gelberg, Esq., counsel for the Debtor, and the terms of this Conditional Order having been negotiated by and between the counsel for the Debtor and counsel for Secured Creditor, and due deliberation having been had, now

Upon Reading and Filing of the Notice of Motion, the Application of Secured Creditor dated the 25<sup>th</sup> day of April, 2017, and proof of service upon all necessary parties, upon motion of Gross Polowy, LLC, and all parties having agreed that the Debtor are in default for the monthly post-petition payments due April 1, 2016 through and including April 1, 2016 each in the amount of \$4,214.34, May 1, 2016 through and including April 1, 2017 each in the amount of \$4,169.41, and May 1, 2017 through and including August 1, 2017 each in the amount of \$4,695.97, and attorney fees in the amount of \$850.00 and costs in the amount of \$181.00, and that the Debtors are entitled to a credit in the amount of \$1,777.08 held in Debtor's suspense account, thereby resulting in a total due in the sum of **\$72,285.06** (the "Total Dues"); and it is further

ORDERED, that the Debtors pay on or before September 15, 2017 to Secured Creditor Nationstar Mortgage at PO Box 619094, Attn: Bankruptcy Dept, Dallas, TX 75261-9741, the sum of \$12,047.51 which is to be applied to the Total Dues; and it is further

ORDERED, that the Debtors pay on or before October 15, 2017 the sum of \$12,047.51 which is to be applied to the Total Dues; and it is further

ORDERED, that the Debtors pay on or before November 15, 2017 the sum of \$12,047.51 which is to be applied to the Total Dues; and it is further

ORDERED, that the Debtors pay on or before December 15, 2017 the sum of \$12,047.51 which is to be applied to the Total Dues; and it is further

ORDERED, that the Debtors pay on or before January 15, 2018 the sum of \$12,047.51 which is to be applied to the Total Dues; and it is further

ORDERED, that the Debtors pay on or before February 15, 2018 the sum of \$12,047.51 which is to be applied to the Total Dues; and it is further

ORDERED, that the Debtor pay all future monthly mortgage installments, to Secured Creditor, as they become due, commencing with the installment payable on September 1, 2017, time being of the essence, with a default being deemed to have occurred in the event that any monthly mortgage payment is not received within fifteen (15) days of the date in which it is due; and it is further

ORDERED, that should the Debtor default in making any of the payments specified above, the Attorney for the Secured Creditor shall send a Notice of Default to the Debtor and the Attorney for the Debtor which shall outline the amount of the default and provide the Debtor ten (10) days to cure such default, and if the Debtor fails to cure the default, the Secured Creditor may submit an Affirmation of Non-Compliance and proposed Order lifting the stay as to Nationstar Mortgage LLC to the Court; and it is further

ORDERED, that Secured Creditor shall only send the aforementioned Notice of Default for each of the first three (3) instances of default and that upon a fourth (4th) instance of default, the Secured Creditor may submit an Affirmation of Non-Compliance and proposed Order lifting the stay to the Court without providing the above-mentioned notice or any notice whatsoever.

Signature lines for the attorneys:

**Attorney for Debtors**

/s/ Stuart Gelberg

STUART P. GELBERG, ESQ.

**Attorney for Secured Creditor**

/s/ Courtney Williams

COURTNEY R. WILLIAMS, Esq.



**Dated: September 5, 2017  
Poughkeepsie, New York**

**/s/ Cecelia G. Morris**

**Hon. Cecelia G. Morris  
Chief U.S. Bankruptcy Judge**